

IN THE UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF NEBRASKA

ALLEN JENNINGS SR.,)	
)	
Plaintiff,)	4:18CV3056
)	
v.)	
)	
STATE OF NEBRASKA, THOMAS)	ORDER
C. RILEY, Douglas County Public)	
Defender, REBECCA A.)	
MCCLUNG, Douglas County Public)	
Defender, DOUGLAS J.)	
PETERSON, Attorney General,)	
NATHAN A. LISS, Attorney)	
General, and SCOTT R. FRAKES,)	
Director of N.D.C.S.,)	
)	
Defendants.)	
_____)	

Following the dismissal of this civil rights case which had been brought pursuant to § 1983, Mr. Jennings filed documents seeking habeas corpus relief under 28 U.S.C. § 2255 but endeavoring to attack a state sentence.

There are multiple problems with these filings and they are: (1) to the extent the documents pertain to this § 1983 case, they come too late as this matter has been dismissed and judgment has been entered; (2) a habeas corpus action must be commenced as a separate case; and (3) 28 U.S.C. § 2254 governs attacks on state convictions (which is what Mr. Jennings seeks to do) rather than § 2255.¹

Accordingly,

¹ 28 U.S.C. § 2255 relates to federal, and not state, convictions.

IT IS ORDERED that:

1. The documents appearing in this case as filing nos. 15 through 24 are denied.
2. The Clerk is directed to send Mr. Jennings a copy of the official form for § 2254 petitions together with the official form for requesting leave to proceed in forma pauperis in such cases.
3. Mr. Jennings is advised that if he wishes to seek habeas corpus relief, he must file a separate case using the official petition form referenced above.

DATED this 18th day of July, 2018.

BY THE COURT:

s/ Richard G. Kopf
Senior United States District Judge